Mr. Larry Cieslik, Chief
Missouri River Basin Water Management Division
US Army Corps of Engineers
12565 West Center Road
Omaha, Nebraska 68144-3869

Dear Mr. Cieslik:

The following comments represent the official position of the State of North Dakota and reflect the collective input of state agencies including the State Water Commission/State Engineer, North Dakota Game and Fish Department, the Health Department, and the Parks and Recreation Department.

The Missouri River is of vital importance to the State of North Dakota and its citizens. About 20% of the state's citizens get their water from the river, seven coal fired power plants use river water for cooling, and approximately 16% of the total irrigated area in North Dakota uses Missouri River water.

In addition the Missouri River, Lake Sakakawea, and Lake Oahe provide major recreation opportunities in North Dakota to tens of thousands of residents and visitors to the state. Three state parks are located along Lake Sakakawea. In 1991, during the last drought, these three parks had 302,000 visitors, 35% of the visitation to all the state parks. In 2000, after recovery from the drought , visitation to these three parks was 494,000, almost 49% of the visitation to North Dakota state parks. These visitations in 1991 represented $9 million annual economic impact, and $14.8 million in economic impact in 2000. (1) These figures represent only three state parks on the lake and do not include the many other recreation facilities along the river and reservoirs. It is essential that the AOP include conservation measures , in recognition of the significant economic impacts the Missouri River system has on North Dakota.

The AOP must also consider the impact upon the river resource itself. Management of the reservoirs has a direct effect on the chemical, biological, and physical characteristics of the lake. Specifically, when Lake Sakakawea is drawn down below 1825 feet during the summer, the volume of cold water at the bottom is reduced and oxygen concentrations can fall below 5 mg/l, which violates State Water Quality Standards. This situation puts Lake Sakakawea's nationally acclaimed sport fishery in serious jeopardy.

Although the proposed AOP does not project a lake level of 1825 next summer, continued drought conditions makes the likelihood of a water quality disaster a near certainty if conservation measures are not implemented. Due to the drought conditions above Lake Sakakawea, precipitation will need to be much above normal to achieve the median runoff. The Corps must act immediately to conserve water, and ensure that Lake Sakakawea will not fall below 1825 during next summer's hot weather.

Lower Lake levels also pose an unacceptable threat to human health. The resuspension of sediment from the delta in the western portion of the lake is exacerbated by shallow water. As the wave action disturbs the sediment, chemicals are released into the water that is subsequently used for municipal water supplies.

Because of the importance of the Missouri River to our state, I am very disappointed in this AOP. Two of the five simulations result in system storage below 52 MAF on July 1, 2002. The AOP also states, "operational experience has shown that additional water conservation measures, beyond the specific technical criteria published in the current Master Manual, are required to meet the operation objectives of the current Master Manual, if System water-in-storage (storage) is below 52 MAF on July 1 of any year." The current drought makes storage below 52 MAF very likely. However, the AOP completely ignores this operational experience, and instead blindly follows the technical criteria of the Master Manual. The Master Manual is a 40-year-old document that does not reflect the current conditions in the basin. It did not envision the recreation industry that has developed over the past 40 years on the reservoirs, and predicted navigation levels far above what has developed. The Corps, along with MRBA and many other entities, have spent the last 12 years developing a new Master Manual. The efforts by the MRBA to reach a compromise operation plan were based on the idea of sharing the pain during a drought. The operations proposed in the AOP fall far short of this goal.

The Corps has released the Revised Draft Environmental Impact Statement for the Master Manual Study. While this draft does not identify a preferred alternative, five of the six alternatives contain conservation measures that are essentially those agreed to by 7 of the 8 MRBA member states. It is essential that the AOP be modified and those conservation measures are implemented next year.

Corps representatives have indicated such conservation measures may not fall within the existing Master Manual and that the NEPA process must be completed prior to implementing these changes. However, similar conservation measures were used during the last drought and measures that are not mentioned in the Master Manual have been taken to protect endangered species. This AOP includes a spring rise "mini-test" from Fort Peck and unbalancing of the three big reservoirs, neither of which is mentioned in the current Master Manual. I realize a separate NEPA process is being conducted for the Fort Peck spring rise test but I am unaware of any NEPA compliance on the unbalancing of the reservoirs even though this has become a common management objective since the 1980's drought. A great deal of effort has been expended to develop an operation plan for the conditions we now face in the basin. Legal and environmental delays to the Master Manual process cannot justify operating under a 40-year-old plan that has proven to be inadequate in responding to drought conditions and the current needs of the basin.

The AOP calls for unbalancing the reservoirs should upper quartile or greater runoff occur, even though the lake level targets proposed by MRNRC are not reached. Ordinarily we support unbalancing of the reservoirs, however, because of the low reservoir levels every effort should be made to balance the reservoirs and have a steady or rising level on each of the reservoirs to support next spring's spawn.

While we support a spring rise from Fort Peck and the "mini-test" scheduled for next year, it appears unlikely that sufficient water will be available for the test to occur. If the mini-test is not possible next year, it should be done the first year water is available rather than moving directly to the more extensive test that is scheduled for 2003.

Thank you for coming to North Dakota to listen to our concerns. I encourage you to continue to do so. It is vitally important that impacts to the entire basin be considered when developing the AOP, especially when water is in short supply. I hope next year brings more normal runoff, but we cannot be assured this will happen. This AOP is based on the expectation that normal runoff returns within a couple of months which is extremely optimistic. If the current drought conditions continue, deviation from the 40 year old Master Manual is essential The seven wet years used to develop a more realistic operating plan should not be wasted. The lessons from the last drought tell us that meaningful conservation measures are essential to river management and should have started last year. Certainly, the Corps and the States have all learned from this experience and should not repeat injurious mistakes of the past. Accordingly, I insist the Corps implement the conservation measures described in their Master Manual EIS. As the chief executive of the State of North Dakota, I have certain authorities and responsibilities to safeguard the interests of the people of our state. I intend to fully exercise those authorities and responsibilities to whatever extent is necessary to protect our water quality and the economic future of our state.